IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NOS.646/05 & 647/05

IN

APPEAL FROM ORDER (STAMP) NOS.10749/05 & 10750/05

IN

NOTICE OF MOTION NO.1400 OF 2002

IN

S.C.SUIT NO.1993 OF 2002

M/s.Associated Business Corpn. ...Applicant

Versus

Mr.Kanaialal Sumirlal Jain & Anr. ...Respondents

.....

Mr.Dinesh Pednekar i/b DSK Legal for Applicant.

Ms.Mugdha M.Jadhav for Respondents 1 & 2.

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CORAM: A.M.KHANWILKAR, J.

JUNE 29, 2006.

P.C.

1. Heard Counsel for the parties.

2. These Applications are for condoning delay in filing Appeal which is computed by the office as 54 days. The only reason stated in paragraph 3 is

that the Applicant was under bonafide belief that limitation for filing Appeal from Order is 90 days. This reason pressed into service on behalf of the Applicant is countered by the Respondents. According to them, the reason is only some justification offered and surely not a sufficient cause. This is so because the Applicant was required to file Appeal from Order before this Court against refusal to grant ad-interim relief. Surely if that course was adopted on the earlier occasion, the Applicant should have known period of limitation for filing appeal. It is not the case of the Applicant that the impression which they gathered that the period of limitation for filing appeal is 90 days, was based on legal advise. The Applicant had assumed for themselves that the limitation is 90 days. I find substance in the objection taken on behalf of the Respondents that the explanation offered cannot be accepted as sufficient cause. It is well known that ignorance of law is no excuse.

3. In the circumstances, these Applications are dismissed.

A.M.KHANWILKAR, J.